IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4889 of 2000

Between:

1 J.Muni Rathanam S/o Lakshmaiah

R/o Cherlopalli, Tirupathi Rural Mandal,
Chittoor District.
2 A.Adinarayana S/o A. Venkataswamy
R/o Tirupathi, Chittoor District.
3 S.Chandra Babu S/o Muni Rathanam
R/o Cherlopalli, Tirupathi Rural Mandal,
Chittoor District.
4 S.Khader Shariff S/o Shaik Basha
R/o Korlagunta Road, Tirupathi Rural Mandal,
Chittoor District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh Education(UE.I-

1)Department Rep by its Secretary, Secretariat

Buildings, Hyderabad.
2 Sri Padmavathi Mahila Visvavidyalayam, Rep by its

Registrar, Tirupathi, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the G.O.Ms.No.520 Education (UE.I-1) department dt:27.4.1998 issued by the 1st respondent as illegal and arbitrary and consequently direct the respondents to pay the heavy vehicle scale of pay to the petitioners and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.: GP FOR HIGHER EDUCATION

WRIT PETITION NO : 24160 of 2003

Between:

1 M.Guruswamy S/o. Ponnappa Chetty
R/o. H.No.112, Nehru Street,
Tirupati, Chittoor Dist.
2 K.Rama Murthy, S/o. Polaiah Chetty,
R/o. Bairagipatteda, Tirupati,
Chittoor Dist.
3 M.Govindaiah, S/o. Venkataswamy,
R/o. Bairagipatteda, Tirupati,
Chittoor Dist.

..... PETITIONERS

AND

1 The Government of A.P., Rep. by Principal

Secretary Higher Education (UE.I) Department,
Secretariat, Hyderabad.
2 Sri Venkateswara University, Rep. by Registrar,
Tirupathi, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High

Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or direction declaring the G.O.Rt.No.520 Education (UE.I-1) Department dated 27-4-1998 issued by the 1st respondent and not sanctioning the retirement benefits and the pension by the 2nd respondent as illegal, arbitrary and the G.O.Rt.No.520 dated 27-04-1998 has no application to the petitioners or alternatively direct the 1st respondent to approve the action taken by the university and consequently direct the 2nd Respondent to pay the retirement benefits and sanction the pension to the petitioners on the basis of heavy vehicle driver's scale which the petitioners were drawing on the date of retirement and pay the arrears with interest at the rate of 12%, and pass.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondent : MR.P.SREE RAMULU NAIDU FOR R2

GP FOR HIGHER EDUCATION FOR R1

WRIT PETITION NO : 234 of 2004

Between:

1 S. Jeelani S/o. Chotu Saheb
2 D.Venkatrama Reddy S/o. Sundarami Reddy
3 S.Usman s/o. Ahmed
4 Syed Akbar S/o. Basha Saheb
5 P. Veera Raghavulu S/o. Sreenivasulu
All are Drivers, Engineering Department,

S.V.University Tirupathi, Chittoor, District.

..... PETITIONERS

AND

1 The Government of A.P. rep by its Principal

Secretary Education (UE-I-1) Department,

Secretariat, Buildings, Hyd.,
2 The Registrar Sri Venkateswara University,

Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the G.O.Rt. No.520 Education (E-I-1) Department dated 27-4-1998 as illegal, arbitrary and has no application to the petitioners and consequently direct the respondents to pay the heavy vehicle Drivers scale of pay to the petitioners and also direct the respondents to sanction one increment for completion of 24 years service under the automatic advancement scheme to the petitioners.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.: GP FOR EDUCATION

The Court made the following :

COMMON ORDER

Heard Sri P.Gangarami Reddy counsel appearing for the petitioners in these three writ petitions and also the learned Assistant Government Pleader for Higher Education.

2. Since common question is involved in these three writ petitions, they are being taken up together for disposal.

3. Petitioners in these three writ petitions who have been working as Drivers on regular basis, seeks to assail by way of writ of Mandamus, the validity of the order in G.O.Rt.No.520 Education (UE-I-1) Department dated 27.4.1998.

4 . The main ground urged on behalf of the petitioners is that the petitioners have all along been paid the scale of Heavy Vehicle Driver, as per the proceedings of the Government dated 4.6.1997. However under the impugned order, the same is being sought to be withdrawn, without any jurisdiction. It is also pointed out that even the Universities, have made recommendations in favour of the petitioners for continuance of the said pay scale and in spite of the same, the impugned G.O. has been issued. Further it is also submitted that the recommendation made by Sri Padmavathi University, to the Government on 20.3.1999 for implementing the scale of “Heavy Vehicle Driver” is also pending consideration. It is further submitted that some of the petitioners in the meanwhile have retired and for no fault of them, they are being deprived of their retrial benefits. It is also further submitted that the Government before issuing the impugned G.O., have not give any notice or opportunity to the petitioners or even to the Universities, even though the scale of “Heavy Vehicle Driver”, was being paid to the petitioners for quite some time. Hence the writ petition.

5 . Having regard to the submissions of both the sides and also having perused the material on record, the only question that falls for consideration in these three writ petitions is as to “whether on the facts and circumstances of the case, withdrawal of scales of pay, which have been given to the petitioners by the respective

Universities, is justified?

6 . There is no dispute of the fact that the petitioners and similarly placed persons have been appointed as Drivers by the respective Universities and they have been assigned the work of driving the vehicles possessed by the Universities. They are also being paid the scale of Heavy Vehicle Driver all along and except the ground mentioned in the impugned G.O. that Drivers who actually drive the heavy vehicles are alone entitled for Heavy Vehicle Driver's scale, there is no plausible reason for the 1st respondent to issue the impugned G.O. In fact, as per the references made in the impugned G.O. itself, Government has ratified the action of the Universities in giving the scales of Heavy Vehicle Drivers. Even subsequently also Sri Padmavathi University has recommended on 20.3.1999 for grant of scale of Heavy Vehicle Driver and the same is still pending and no orders have been passed.

7 . Having regard to the above facts and circumstances, as the impugned order is passed without any notice either to the petitioners or to the persons affected, including both the Universities and as recommendations of the University is still pending, it is desirable that the matter be considered afresh.

8 . Accordingly the writ petitions are allowed and the impugned G.O.Rt.No.520 Eduction (UE-I-1) Department dated 27.4.1998 is set aside. The 1st respondent herein shall pass orders afresh on merits and in accordance with law, after giving an opportunity to the respective Universities. It is also open to the petitioners or other Drivers, who are affected, to represent their case by sending any one or two representatives.

9. In the circumstances of the case, there shall be no order as to costs.

AVS ----------

07.04.2005

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Thursday the seventeenth day of April, two thousand and five.

..... Asst. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Government of Andhra Pradesh Education(UE.I-

1)Department Rep by its Secretary, Secretariat

Buildings, Hyderabad.

2 Sri Padmavathi Mahila Visvavidyalayam, Rep by its

Registrar, Tirupathi, Chittoor District

3 Sri Venkateswara University, Rep. by Registrar,
Tirupathi, Chittoor Dist.

4. 2 C.Cs. to G.P. for Higher Education, A.P. High Court, Building (OUT).

5 2 CD copies.